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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,448	04/04/2006	Guofu Zhou	P4509US00	9649
58027 7590 07/22/2011 H.C. PARK & ASSOCIATES, PLC 8500 LEESBURG PIKE SUITE 7500 VIENNA, VA 22182				
EXAMINER LAM, VINH TANG				
ART UNIT		PAPER NUMBER		
2629				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENT@PARK-LAW.COM

Office Action Summary

Application No.

10/574,448

Applicant(s)

ZHOU ET AL.

Examiner

VINH LAM

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 4-17 and 19-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims **1-3** and **18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Loxley et al. (US Patent No. 6262833)** in view of **Sato (US Patent No. US 4041481)**.

Regarding Claim **1**, (Currently amended) **Loxley et al.** teach a display device comprising:

at least one picture element (*Col. 5, Ln. 44-57, FIG. 1, i.e. capsule 2*) having an optical switch (*Col. 4, Ln. 44-54, FIG. 1, i.e. means for changing optical states*) having first and second electrodes (*Col. 5, Ln. 59-68, Col. 6, Ln. 1-12, FIG. 1, i.e. front electrode 16 and rear electrode 18*);

at least one first fluid (*Col. 5, Ln. 44-57, FIG. 1, i.e. fluid 6*) and a second fluid (*Col. 5, Ln. 44-57, FIG. 1, i.e. fluid 10*) immiscible with each other (*Col. 2, Ln. 5-15*) above a first support plate (*Col. 5, Ln. 44-57, FIG. 1, i.e. capsule wall 4*), the second fluid being electro-conductive or polar (*Col. 2, Ln. 37-66, Col. 3, Ln. 1-17, i.e. ethanol as an alcohol, therefore, not only being polar according to the Instant Application*

Specification [0022] on PGPub. but also obviously because of ethanol's intrinsic molecular formula $\text{CH}_2\text{-OH}$ where polarization defined at the Oxygen and Hydrogen elements similar to those of the water);

a driver (Col. 5, Ln. 59-68, Col. 6, Ln. 1-12, FIG. 1, i.e. means for applying electric field) for moving the first fluid (Col. 5, Ln. 59-68, Col. 6, Ln. 1-12, FIG. 1, i.e. particles 12 in fluid 6) or breaking it up into small droplets by applying voltages to the first and second electrodes of the optical switch (Col. 5, Ln. 59-68, Col. 6, Ln. 1-12, FIG. 1), the voltages are associated with a plurality of electro-optical states of the picture element (Col. 5, Ln. 59-68, Col. 6, Ln. 1-12, FIG. 1, i.e. obviously variation of voltages corresponding to variation of brightness between dark and white) in a range between and including a first extreme state and a second extreme state (Col. 5, Ln. 59-68, Col. 6, Ln. 1-25, FIG. 1, i.e. dark and white).

However, **Loxley et al.** do not teach that the driver provides variable voltages prior to applying a fixed voltage producing optical state and the variable voltages having a mean voltage equal to the fixed voltage.

In the same field of endeavor, **Sato** teaches wherein during selection (FIGs. 7G-7I, i.e. $T_E\text{-}T_{Xn}$ periods because it is obvious that the cells must be selected for erasing and writing images) of the at least one picture element (FIG. 7G, i.e. C11), the driver provides variable voltages (Col. 7, Ln. 19-21, FIG. 7G, i.e. **erase pulses** during T_E) to the picture element prior to applying a fixed voltage (Col. 7, Ln. 40-58, FIG. 7G, i.e. **0V** during T_p) associated with an electro-optical state (Col. 7, Ln. 40-58, FIG. 7G, i.e. **0V** during T_p would obviously produce an electro-optical state) of the picture element that

corresponds to a desired image grayscale to be set (*FIG. 7G, i.e. 0V during T_p would obviously produce a desired image grayscale of C11*), the provided variable voltages having a mean voltage (*Col. 7, Ln. 40-58, FIG. 7G, i.e. 0V during T_E*) substantially equal to the fixed voltage (*Col. 7, Ln. 40-58, FIG. 7G, i.e. 0V during T_p*).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **Loxley et al.** teaching of a display device having picture element, driving means, and range of electro-optical states with **Sato** teaching of driving means providing variable voltages prior to applying a fixed voltage to the display device *to enhance the image quality by eliminating the cross effect of the display*.

Regarding Claim 2, (Currently amended) the display device according to claim 1, wherein **Loxley et al.** teach the first support plate is transparent (*Col. 5, Ln. 44-57, FIG. 1, i.e. obviously so that viewers can differentiate the colors of the fluid 10 and/or particles 12*), the display device comprising a second support plate (*Col. 5, Ln. 44-57, FIG. 1, i.e. capsule wall 4*) and the first and second fluids being within a space between the first support plate and the second support plate (*Col. 5, Ln. 9, FIG. 1, i.e. "The capsules may be of any size or shape.", e.g. cubical shape with 6 support plates*).

Regarding Claim 3, (Currently amended) the display device according to claim 1, wherein **Sato** teaches the variable voltages comprise a plurality of alternating voltages (*Col. 7, Ln. 19-21, FIGs. 7G-7I, i.e. erase pulses during T_E*).

Regarding Claim 18, (Previously presented) the display device according to claim 1, wherein **Loxley et al.** teach the variable voltage includes one of the first and second extreme states (*Col. 5, Ln. 44-68, Col. 6, Ln. 1-12, FIGs. 1 & 2*).

Response to Arguments/Amendments/Remarks

2. Claims **7** and **15-17** are canceled.
3. Claims **4-6** and **8-14** are withdrawn.
4. Applicant's arguments filed 06/14/2011 have been fully considered but they are not persuasive.

On Pages 7-8, applicant argues that **Loxley et al.** do not teach "...moving the first fluid or breaking it up into small droplets...". However, the Examiner respectfully disagrees because:

(i) First of all concerning the limitation "...moving the first fluid...", **Loxley et al.** "second" fluid **6** is corresponding to applicant's "first" fluid. **Loxley et al.** fluid **6** comprises of at least a plurality of particles **12** which is migrated under an electric field. Applicant seems to argue either particles **12** is not a fluid or not part of fluid **6**. This argument is not persuasive because similarly, applicant's "first" fluid would be undoubtedly and chemically comprised of particles and/or molecules which also are moved under application of a voltage (please see the above analysis for detail).

(ii) Finally concerning the limitation "...or breaking it up into small droplets...", since it is an alternative, optional, or equivalent function to "...moving the first fluid..." there is no citation for this alternative limitation.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571)270-3704. The examiner can normally be reached on M-F (7:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinh T Lam/
Examiner, Art Unit 2629

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629